

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 11, 2016**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Artie Crocker, Peter Oehlkers, Alison Richardson, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Joel Bargmann, Patricia Carey, Mark Cooperman, Michael Retzky, Mary Rimmer, Andy Truman, Brian Whalen, Susan Whalen

J. Carter Bernardo opened the public meeting at 7:35 pm.

MISCELLANEOUS BUSINESS:

Motion to approve the Meeting Minutes of November 5, 2015, as revised, by A. Richardson, seconded by J. Carter Bernardo, approved 2-0-2 (A. Crocker and P. Oehlkers abstained)

Motion to approve the Meeting Minutes of January 28, 2016, as revised, by P. Oehlkers, seconded by A. Richardson, approved 3-0-1 (A. Crocker abstained)

ENFORCEMENT & VIOLATION UPDATES

NONE

HEARINGS

0 ROSEMARY STREET (ROSEMARY POOL) – ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (DEP FILE #234-753)

Applicant/Owner: Town of Needham – Public Facilities - Construction

Project: The ANRAD was submitted under the MA Wetlands Protection Act and the Town of Needham Wetlands Protection Bylaw for approval of wetland resource types and locations on four lots owned by the Town of Needham.

Present for the Applicant: Mary Rimmer of Rimmer Environmental, Andy Truman of Samiotes Consultants, Inc., Joel Bargmann of bh+a Architects and Michael Retzky and Patricia Carey from the Town of Needham.

Supporting Documents include:

- ❑ WPA Form 4A – Abbreviated Notice of Resource Area Delineation and supporting documents received January 28, 2016
- ❑ Needham Wetlands Protection Bylaw Application for Permit received January 28, 2016
- ❑ Plan entitled: “Abbreviated Notice of Resource Area Delineation Rosemary Pool 0 Rosemary Street Needham, Massachusetts”, prepared by Samiotes Consultants Inc., stamped and signed by Todd M. Chapman, P.L.S. No. 46322, dated 1/28/2016.

J. Carter Bernardo opened the Public Hearing at 7:45 pm.

M. Varrell stated that MassDEP had not yet issued a File Number. J. Carter Bernardo stated the Commission could not close the Hearing without a DEP file number.

A. Truman described that the site is fairly large, approximately 38 acres. With the exception of the east side of Rosemary Street, where the properties are owned by several abutters, the entire area around Rosemary Lake was delineated and surveyed. M. Rimmer stated that she had completed the delineations in September of 2015 and had reviewed the delineation on-site with M. Varrell and any adjustments to the delineations are reflected on the survey. M. Rimmer discussed the various resource areas occurring on the subject site include: Land Under Water Bodies and Waterways of the lake; Bank and Bordering Vegetated Wetlands (BVW), located around the lake; Riverfront Area is located where Rosemary Brook enters the lake at the southern end and is determined by where riverine conditions change over to primarily pond conditions (additionally, one intermittent stream is located at the southern end of the lake and one is located on the easterly side of the lake); and Bordering Land Subject to Flooding (BLSF) at elevation 101.61 feet (NAVD).

M. Varrell noted that the rip rap swale (intermittent stream) located on the easterly side of the lake is regulated only under the Bylaw not the Wetlands Protection Act.

M. Rimmer and A. Truman explained the rationale for determining the extent of Bordering Land Subject to Flooding on the site:

- Typically, Bordering Land Subject to Flooding (BLSF) coincides with the 100-year flood elevation and is referenced on FEMA Maps. No FEMA studies exist to determine the presence of 100-year floodplain upstream of Rosemary Street.
- There is a known history of Rosemary Lake over-topping its banks onto Rosemary Street at least twice according to Town Officials. The Applicant analyzed what the 100-year flood elevation would be based on the observed overtopping of the roadway.
- Rosemary Street was formerly a dam and the Town prepares annual dam reports even though the land behind the dam has been filled. The dam reports state the dam was designed and constructed for the 100-year storm and has been over-topped by a depth of approximately 0.5 foot. It is the Town's practice to lower the elevation of the lake prior to large forecasted storms. This practice makes it difficult to track any correlation between past historic rainfall data and the flooding of the lake.
- The 101.61 foot elevation was determined by adding a 0.5 feet to the elevation of the lowest point of Rosemary Street. This elevation coincides with data included in the annual dam report.

J. Carter Bernardo asked if they thought DEP would accept that elevation. M. Rimmer stated they could not think of a more accurate way to make their determination. They had gone through precipitation records but they did not coincide with the observed dates of over-topping. M. Varrell agrees that based on the best information they have found and the elevations of BVW and Bank, the BLSF elevation should be relatively accurate. M. Rimmer stated that the areas where the 101.61 contour exists beyond the limits of Bank and BVW are primarily where Rosemary Brook enters the lake and the area encompassed by the pool. J. Carter Bernardo explained that at a recent CPC meeting, the Town Engineer had discussed a possible lake dredging project. She asked if they would use the same information. M. Rimmer suggested the Town Engineer agrees with the 101.61 contour as the limit of the 100-year flood.

A. Truman added that they had performed calculations to determine the effect of lost floodplain if the elevation of the pool were to be raised (based on the current conceptual design). If the floodplain were to be lost and compensatory storage not provided, the elevation of the lake would rise by approximately 0.75 inches. J. Carter Bernardo stated that compensatory storage would be required for any loss of flood capacity on the site.

The Commission will schedule a site walk to review the delineations with M. Rimmer at Rosemary Lake prior to the next meeting.

Motion to continue the public hearing for 0 ROSEMARY STREET (ROSEMARY POOL) (DEP FILE #234-753) to February 25, 2016 at 7:45 pm by P. Oehlkers, seconded by A. Richardson, approved 4-0-0

130 SOUTH STREET – NOTICE OF INTENT (DEP FILE #234-752)

Applicant/Owner: Lana Sokolove

Project: Proposed planting of six native trees to mitigate for unauthorized clearing of trees in 2012 within the 200-foot Riverfront Area and the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Bank.

Present for the Applicant: Mark Cooperman, Ecoterra Design, LLC.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received January 21, 2016
- ❑ Needham Wetlands Protection Bylaw Application for Permit received January 21, 2016

J. Carter Bernardo opened the Public Hearing at 8:10 pm.

Mark Cooperman of Ecoterra Design, LLC represented Ms. Sokolove. He explained that this Notice of Intent submission was triggered by a 2012 Enforcement Order. His understanding is that approximately five (5) trees (some multi-stem) were removed in 2011-2012 without permission. M. Varrell added that the Commission had voted to record the Enforcement Order against the Deed as Ms. Sokolove was not complying with the requirement to file an after-the-fact Notice of Intent. M. Cooperman stated that the removal of the tree canopy in this area has led to an abundance of invasive species (Glossy Buckthorn, Oriental Bittersweet and Multiflora Rose) revegetating the area. The trees were removed along the Bank of the Charles River. M. Cooperman explained that he would usually propose a mixture of shrubs and trees for mitigation, but in this case, with all of the invasives, he does not think shrubs would survive. They are proposing to plant six (6) 2-inch caliper Red Maple trees in the spring. Watering the trees will be via buckets from the river. All work will have to be done by hand due to lack of access.

J. Carter Bernardo asked why they were proposing only six (6) trees for replacement. The Commission's *Guidelines for Tree Removal Policy* suggest a replacement of two (2) trees for every one (1) that is removed in the Commission's jurisdiction. M. Cooperman replied that there is limited space for planting trees in that area. The areas around the mitigation plantings will be cleared of invasives. J. Carter Bernardo asked what the status was with the Natural Heritage and Endangered Species Program (NHESP) comments regarding the project. M. Cooperman spoke with NHESP and they plan to send their response out on February 24, 2016. J. Carter Bernardo replied that the Commission cannot close the Hearing without receipt of NHESP comments. M. Varrell stated that the Town Bylaw Fee that was submitted was calculated incorrectly and an additional \$200 is required. M. Cooperman will try and get the money from Ms. Sokolove. The Commission will not require a stamped plan. In lieu of a stamped plan, M. Varrell will meet the installation contractor on-site to okay the locations for the tree plantings. M. Cooperman will submit a post-planting ArcGIS location plan indicating the actual tree locations.

A. Richardson suggested that more than the proposed six (6) replacement trees could fit in that area based on the map. M. Varrell suggested they request five (5) 2-inch caliper trees and two (2) additional 1-inch to 1.5-inch caliper trees. J. Carter Bernardo agreed that it would satisfy the Commission. The proposed trees will all be Red Maple. Within 30-days of planting, the Commission expects to receive the ArcGIS tree location plan.

Motion to continue the public hearing for 130 South Street (DEP File #234-752) to February 25, 2016 at 8:00 pm. by P. Oehlkers, seconded by A. Crocker, approved 4-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 720 SOUTH STREET (DEP FILE #234-454)

M. Varrell reminded the Commission that 720 South Street is the same property on which they had recently approved a Conservation Easement. The Easement was approved by the Board of Selectmen but has not yet been recorded. A partial Certificate of Compliance was issued, now they are requesting a full Certificate of Compliance. The conveyance of the Conservation Easement was the final requirement of the Order of Conditions that has now been satisfied. M. Varrell will hold the Certificate of Compliance until he receives evidence the Easement has been recorded.

Motion to issue a Certificate of Compliance for 720 South Street (DEP File #234-454) by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

DISCUSSION ITEM – 245 STRATFORD ROAD

D. Anderson asked the Commission's opinion regarding whether the owner would need to file for a permit for some proposed work at the front of the house and whether he would need to have an expired wetland delineation refreshed. The Commission determined a Request for Determination would be required for the proposed work but the wetland line would not require re-delineation.

DISCUSSION ITEM – MACC CONFERENCE

J. Carter Bernardo asked if any of the Commissioners were interested in attending the March 5, 2016, MACC Conference at Holy Cross. J. Carter Bernardo and A. Crocker plan to attend.

DISCUSSION ITEM – CHARLES RIVER WATERSHED ASSOCIATION – CLEANUP COMMITTEE

J. Carter Bernardo stated that she had received a letter from the Charles River Watershed Association regarding their 17th Annual Earth Day Charles River Cleanup taking place on April 30th from 9am to 12pm. If anyone is interested in joining the cleanup, they are looking for volunteers. M. Varrell will post the information on the website.

Motion to adjourn the meeting by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.

The meeting was adjourned at 8:30 pm.

NEXT PUBLIC MEETING

Thursday, February 25, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.